



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE
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Regional Director

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
King George Landfill, Inc.
FOR
King George County Landfill
Air Registration No. 40903**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and -1316, between the Virginia Department of Environmental Quality (Department) and King George Landfill, Inc. regarding the King George County Landfill, for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the applicable permit and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "County" means King George County, a political subdivision of the Commonwealth of Virginia.
2. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
3. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.

4. "Facility" or "Landfill" means the King George County Landfill, located at 10376 Bullock Drive in King George County, Virginia, which is owned and operated by King George Landfill, Inc.
5. "King George Landfill" means King George Landfill, Inc. a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. King George Landfill, Inc. is a "person" within the meaning of Va. Code § 10.1-1300.
6. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.
7. "NRO" means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.
8. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the Virginia Air Pollution Control Law.
9. "Permit" means the Title V Permit to operate the specified Stationary Source of Air Pollution as described in the Permit, which was issued under the Virginia Air Pollution Control Law and the Regulations to King George Landfill, Inc. on July 30, 2019.
10. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" mean 9 VAC 5 chapters 10 through 80.
11. "Va. Code" means the Code of Virginia (1950), as amended.
12. "VAC" means the Virginia Administrative Code.
13. "Virginia Air Pollution Control Law" means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.

SECTION C: Findings of Fact and Conclusions of Law

1. The Facility is a regional municipal solid waste disposal and recycling center. The County owns the Facility and King George Landfill operates the Facility. King George Landfill is subject to the Permit, which authorizes it to operate the specified Stationary Source of Air Pollution as described in the Permit.
2. On January 25, 2022, King George Landfill submitted a sulfur dioxide emission report to DEQ regarding the Facility. In reviewing the report, DEQ staff observed that King George Landfill reported 12-month rolling total sulfur dioxide emission data as follows:
 - a. 250.21 tons of sulfur dioxide was emitted from the combined operation of the open flare system and the four landfill gas combustion turbines at the Facility during the 12-month period between August 1, 2020, and July 31, 2021.

- b. 250.62 tons of sulfur dioxide was emitted from the combined operation of the open flare system and the four landfill gas combustion turbines at the Facility during the 12-month period between September 1, 2020, and August 31, 2021.
3. Condition 31 of the Permit states in part: "Fuel Burning Equipment Requirements - Limitations - Emissions from the combined operation of the open flare system (CF-1 to CF-4) and the four LFG combustion turbines (TG-1 to TG-4) shall not exceed the limits specified below:
- | | |
|---------------------------------------|---------------|
| Sulfur Dioxide | 242.0 tons/yr |
| Nitrogen Oxides (as NO ₂) | 170.1 tons/yr |
| Carbon Monoxide | 242.0 tons/yr |
| NMOC as Hexane | 17.4 tons/yr |
| PM-10 (Total) | 31.7 tons/yr |
- Compliance with the 40 CFR Part 60, Subpart KKKK standards for NO_x shall be determined by stack testing. All other emission limits are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period. Compliance with these emission limits may be determined as stated in Condition numbers 3, 4, 5, 27 and 30.
(9VAC5-80-110, 40 CFR 60.4320(a), 40 CFR 60.4330(a)(3), and Condition 20 of 12/21/17 Permit)."
4. 9VAC-5-170-160(A) provides that the Department may impose conditions upon permits and other approvals which may be necessary to carry out the policy of the Virginia Air Pollution Control Law.
5. Va. Code § 10.1-1322(A) states that pursuant to the regulations adopted by the Department, permits may be enforced under the provisions of this chapter and failure to comply with any condition of a permit shall be considered a violation of this chapter.
6. On April 28, 2022, DEQ-NRO issued a Notice of Violation (NOV No. ANRO002181) to King George Landfill for reporting an exceedance a 12-month rolling emission limit for sulfur dioxide for July and August of 2021 as described above.
7. On May 9, 2022, King George Landfill submitted a written response to the NOV, and on June 2, 2022, DEQ-NRO staff and representatives of King George Landfill had a conference call to discuss the NOV, NOV reply, and enforcement proceedings. The written NOV reply stated that a sulfur remove system for the open flare system was installed in August 2021.
8. Based on the emission report submitted to DEQ by King George Landfill on January 25, 2022, the NOV issued to King George Landfill on April 28, 2022, the NOV reply submitted to DEQ by King George Landfill on May 9, 2022, the conference call/meeting held on June 2, 2022, and related correspondence between DEQ and representatives of

King George Landfill, the Department concludes that King George Landfill has violated Condition 31 of the Permit as described above.

9. In its written NOV reply and on the conference call held on June 2, 2022, King George Landfill noted that it had not exceeded a sulfur dioxide emission limit at the Facility since August 2021, and DEQ concluded that no further compliance corrective actions were required to resolve the violations.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and -1316, the Department orders King George Landfill, and King George Landfill agrees to pay a civil charge of **\$10,253.25** within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

King George Landfill shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, King George Landfill shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Department may modify, rewrite, or amend this Order with the consent of King George Landfill for good cause shown by King George Landfill, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order and in NOV No. ANRO002181 dated April 28, 2022. This Order shall not preclude the Department or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.

3. For purposes of this Order and subsequent actions with respect to this Order only, King George Landfill admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. King George Landfill consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. King George Landfill declares it has received fair and due process under the Administrative Process Act and the Virginia Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Department to modify, rewrite, amend, or enforce this Order.
6. Failure by King George Landfill to comply with any of the terms of this Order shall constitute a violation of an order of the Department. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Department or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. King George Landfill shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. King George Landfill shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. King George Landfill shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and King George Landfill. Nevertheless, King George Landfill agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after King George Landfill has completed all of the requirements of the Order;
 - b. King George Landfill petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - c. the Director or Department terminates the Order in his or its sole discretion upon 30 days' written notice to King George Landfill.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve King George Landfill from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by King George Landfill and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of King George Landfill certifies that he or she is a responsible official or officer authorized to enter into the terms and conditions of this Order and to execute and legally bind King George Landfill to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of King George Landfill.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.

Consent Order

King George Landfill, Inc.; Air Registration No. 40903

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15. By its signature below, King George Landfill voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 5th day of October, 2022



Thomas A. Faha, Regional Director
Department of Environmental Quality

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Consent Order
King George Landfill, Inc.; Air Registration No. 40903
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King George Landfill, Inc. voluntarily agrees to the issuance of this Order.

Date: 9/27/2022 By: , Director of Operations
(Person) (Title)
King George Landfill, Inc.